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SUBJECT: UNHCR REVIEWS ASSISTANCE TO XENOPHOBIA IDP'S

REF: A. PRETORIA 1563

[1](#)B. PRETORIA 2174

[1](#)C. GENEVA 0867

Summary

[1](#)1. On October 23, UNHCR Regional Representative Sanda Kimbimbi reviewed UNHCR's support to the SAG in protection of foreign victims of xenophobic attacks. After alerting officials and police to signs of coming violence, UNHCR negotiated for registration of internally displaced persons (IDPs), lobbied for the prolonging of SAG shelters, opposed (in vain) rapid adjudications of IDP asylum cases, and provided cash assistance for IDPs to resettle in townships. Deflecting public criticism of UNHCR by some NGOs, Kimbimbi stressed UNHCR was in a supporting role to the SAG, which led with its own resources and policies, particularly nonencampment. On the ongoing stalemate with a remnant of IDPs at Camp Akasia, Kimbimbi expressed UNHCR and SAG's joint frustration with the group's insistence on resettlement and refusal to accept safe shelter. While continuing to work with Akasia IDPs, UNHCR believes the IDPs' behavior could jeopardize the SAG's liberal attitude on migration. End Summary.

Warning Signs Not Heeded

[1](#)2. Poloffs met on October 23 with UNHCR's Regional Representative Sanda Kimbimbi and Resettlement Officer Abel Jeru Mbilinyi to review UNHCR's responses to this year's xenophobic violence. When attacks first broke out in March and April, frightened foreigners showed UNHCR threatening notes that had been distributed to their homes. UNHCR met with SAG officials and police commanders nationwide, warning that violence was liable to spread and urging increased police presence in areas where non-nationals lived. Although the Minister of Home Affairs visited Pretoria suburbs advocating tolerance, the reaction of other SAG branches was "superficial," said Mbilinyi. After attacks in Gauteng, SAG authorities at a workshop in the Cape said such violence could never happen in their province -- only to see it erupt the next day. Despite being warned, the SAG was still caught off guard.

IDP Registration: Mixed Results

[1](#)3. After President Mbeki deployed the Army to calm townships, SAG focus shifted to displaced victims gathered in makeshift camps. In late May, says Kimbimbi, UNHCR began negotiations with the SAG to register IDPs at camp sites.

Registration data would help the SAG to budget for humanitarian aid, and enable the UNHCR to propose solutions -- to regularize the migrants' stay, to ensure proper management of sites, and to plan for reintegration. The SAG chose to conduct the registration itself in place of UNHCR. Kimbimbi said the process was useful in some places, such as in those camps where many previously undocumented Zimbabweans opted to formalize their status. At other sites, however, the attempt was a "flop," says Kimbimbi, because voluntary registration attracted few participants. At Camp Akasia (Ref A), only 300 of the 1200 camp residents agreed to register.

Akasia: Set on Resettlement

¶4. Non-registration at Akasia was symptomatic of a larger issue among its mainly Somali and Ethiopian IDPs -- their insistence on asylum in a third country (not South Africa). "They have shown a total refusal to cooperate," said Kimbimbi. "Fundamentally the problem is that their agenda QKimbimbi. "Fundamentally the problem is that their agenda from the beginning has been resettlement, and resettlement only." Originally just 200 IDPs congregated outside UNHCR offices, bused to Akasia by the Mayor's office, the Akasia group swelled as migrants from all over South Africa heard (false) rumors of U.N. resettlement plans there. In fact the site was never recognized by Gauteng province, nor by UNHCR (despite regular visits). While most xenophobia IDPs have dispersed (via repatriation or reintegration), a core group at Akasia continues to claim that any option but resettlement would be "suicide."

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In Search of Resolution

¶5. Resettlement screening lasting over a year cannot occur at the Akasia site, said UNHCR, yet attempts to shift the group to church shelters have so far been fruitless. UNHCR offered reintegration aid of R 2000 (\$200) per individual and R 3000 (\$300) per family, plus food packages worth R 300 (\$30), but there had been no takers, apart from families already living in town while the fathers stayed at the camp to press for resettlement. Jesuit Relief Services (JRS) had identified charitable shelters to house the Akasia IDPs, which UNHCR stood ready to fund, but as recently as October 22 UNHCR could persuade only two Akasia IDPs to accept the offer. UNHCR has enlisted churches, and South African Human Rights Commissioner (SAHRC) Jody Kollapen, to lobby the IDPs to move to safer shelters. On the warm reception of Kollapen, Kimbimbi said ruefully, "They trust him because they believe he can deliver resettlement. The same is true when they see you, an American. If you can't deliver on that they will reject you... as they do UNHCR."

Holdouts Run a Range of Risks

¶6. In UNHCR's view, not only was the Akasia group's plight "self-inflicted" when safe shelter was freely available, but by remaining as illegal squatters on government property the group also risked separation, arrest, and deportation. The Department of Social Development might forcibly remove children to places of safety, separating them from parents as they had done among unauthorized IDP camps beside the R28 highway. The Department of Home Affairs, said Kimbimbi, was "planning to move on Akasia" with accelerated asylum reviews. UNHCR had tried in vain to stop the latter practice, conducted in the camps' unfavorable conditions, and likely to end in deportations of the majority of IDPs who were in fact economic migrants. Rejection rates were particularly high among Somalis, who told SAG interviewers they wanted

resettlement and did not wish to remain in South Africa -- hence were by definition not granted asylum here.

SAG Has Lost Patience

¶17. While the SAG was once willing to make an effort to assist victims of xenophobia, said Kimbimbi, that attitude has collapsed from the combative approach of Akasia residents. "Officials want to do the right thing. But with this group they have tried all they can." Television news crews captured residents refusing food, and throwing it on the ground as not being acceptable. Mbilinyi said formerly sympathetic South Africans were taken aback by these images. Others filmed insulting former President Mbeki on Al Jazeera news provoked outrage from the President himself. When UNHCR urged Akasia residents to take responsibility for their surroundings and dispose of garbage at a hygienic distance, IDPs told Mbilinyi the SAG should clean up after them. Kimbimbi summed up his frustration: "These situations should be avoided -- absolutely, we all agree. But the community refuses to cooperate."

SAG in the Lead Role; UNHCR Supporting

¶18. Deflecting NGOs' criticism that its action was inadequate, Kimbimbi stressed the limits of the UNHCR's role within the SAG's distinct policy framework. To those pressing UNHCR to take the lead, he countered that UNHCR was there "to support government, not substitute for it." The SAG had the economic means to respond; ministries' duties were well defined by law; and in early June the SAG formally took charge of the issue, funding NGO direct assistance. UNHCR could influence and advise the SAG -- but not shoulder it aside. To those who wanted UNHCR to establish refugee camps, Kimbimbi explained that South Africa was unique in Africa in having a non-encampment policy mandating freedom of movement. Although UNHCR and NGOs persuaded the SAG to keep IDP "temporary shelters" camps open longer than intended, ultimately these were a decision of the Minister of Home Affairs and explicitly counter to the SAG's ethos.

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Liberal Policy in Jeopardy?

¶19. UNHCR warned that Akasia IDPs' behavior could eventually jeopardize the SAG's progressive attitudes and policies on migration and asylum. "Home Affairs was previously very liberal, but if you talk to them now you see they're changing their view. Now they believe being liberal is being lax, and that leads to problems." South Africa could follow European countries in applying the "country of first asylum" principle, invalidating applications from all nationals of nonadjacent countries who crossed multiple borders en route here. The SAG could suspend free movement of asylum seekers in favor of encampment, and/or deny them access to work and services. In judging the correct amount of pressure to apply to the SAG, particularly with respect to a difficult case like Akasia, Kimbimbi said "It's a balancing act. We can't rush into assisting individuals -- meanwhile endangering the concept of asylum and the non-encampment policy."

Solution In IDPs' Hands

¶10. COMMENT: In advance of a November 2-7 PRM visit to Pretoria and Johannesburg, this meeting helped poloffs gain UNHCR's perspective on its performance through the xenophobia

crisis. The PRM visit will further probe the responses of IOs, NGOs, and the SAG to the human impact of this year's violence against foreigners. The NGO and ecumenical community continue to play a supportive role, alongside organizations representing the IDPs' diverse ethnicities. We understand the scope of UNHCR actions is limited by U.N. mandate and SAG policy. There could well be errors or shortfalls in its performance, which we are not in a position to judge, so we look forward to the findings of the U.N.'s own investigative team dispatched from Geneva in response to NGOs' complaints that UNHCR Pretoria should be more forward-leaning (Ref C).

¶11. Regarding the ongoing stalemate at Akasia camp, we agree with UNHCR that the IDPs' current condition squatting in a field is unsafe, unhealthy, unsustainable, and legally precarious. We hope that SAHRC and JRS may jointly persuade the IDPs to move to shelter, to enable asylum screening. The Consortium for Refugees and Migrants in South Africa (CORMSA) told us they are working on a mediation effort to achieve this end. The UNHCR's Geneva team visited Akasia on October 29 and was slated to meet with poloffs on October 30. End Comment.
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